

Remarks

This paper responds to the Office Action that was mailed on July 6, 2007. Claims 1, 2, 4-7, 9-12 and 14-21 are pending in the application and stand rejected. Claims 1, 6, 11, and 16-21 are amended to correct for grammatical issues. For the reasons set forth below, Applicant respectfully asserts that the claims are in condition for allowance and requests favorable action and withdrawal of the rejections. Further, Applicant requests acknowledgement of the receipt of supplemental information disclosures previously submitted.

A. Acknowledgement of Information Disclosure Statements.

On November 22, 2004 and March 30, 2005, Applicant filed Supplemental Information Disclosure Statements (IDS), which have not yet been considered by the Examiner. On August 2, 2006, Examiner mailed a Miscellaneous Communication indicating that these statements would not be considered because they were filed after the mailing of a final Office Action. Applicant respectfully requests that these statements now be considered in accordance with MPEP § 609.02 (B)(3):

Information filed in the application in compliance with the content requirements of 37 CFR 1.98 before the filing of a RCE will be considered by the examiner after the filing of the RCE. For example, an applicant filed an IDS in compliance with 37 CFR 1.98 after the mailing of a final Office action, but the IDS did not comply with the requirements of 37 CFR 1.97(d)(1) and (d)(2) and therefore, the IDS was not considered by the examiner. After applicant files a RCE, the examiner will consider the IDS filed prior to the filing of the RCE.

(emphasis added) Applicant filed an RCE on April 30, 2007, and as indicated by MPEP § 609.02 (B)(3), an IDS complying with 37 CFR 1.98 that is filed after the mailing of a final Office Action shall be considered after applicant files a RCE. For ease of reference and to reduce the burden on the Office, Applicant submits herewith copies of the Supplemental Information Disclosure Statements and the corresponding return post cards demonstrating their receipt by the Office.

B. Rejection of Independent Claims 1, 6, and 11.

Independent claims 1, 6, and 11 are rejected pursuant to Polk, U.S. Patent No. 5,946,669, in view of United States Code 42 U.S.C. § 666(b) and 15 U.S.C. § 1673(b). "To establish prima facie obviousness of a claimed invention, *all* the claim limitations must be taught or suggested by the prior art." MPEP § 2143.03 (citing *In re Royka*, 490 F.2d 981,

180 U.S.P.Q. 580 (CCPA 1974)) (emphasis added). After review of the cited art in light of the independent claims, Applicant asserts that the claims distinguish over the prior art and are not obvious in light of at least claim element (e) because the cited references fail to teach or suggest this limitation.

Claim element (e) of the independent claims recites "providing an interface configured to allow the custodial parent to retrieve information related to financial support payments and histories." (See, e.g., Claim 1.) As admitted in the Office Action, "Polk *fails to expressly disclose providing an interface configured to allow custodial parent to retrieve information related to financial support payments and histories.*" (Office Action ¶ 11 (*italics added, underline in original*)). However, rejection is made in reliance on Polk, alleging that Polk discloses "tracking payment and disbursement information for individual initiators . . . and wherein the saved information is available to external devices[]" and citing, without specificity, columns 9-10 and Figure 5. (Office Action ¶ 12.) The rejection concludes that such teaching of Polk is sufficient to teach one of ordinary skill in the art the claimed invention. (Office Action ¶ 13.) Applicant respectfully disagrees and requests reconsideration of that conclusion.

Polk discloses a system related to the processing of payments by debit-based electronic funds transfer. (Polk 1:10-15.) The system is intended to improve over the art whereby funds transfer is accomplished through debit-based processing, thereby improving efficiency and allowing for the completion of multiple transactions. (Polk 2:62-3:44.) While the input device (reference 530 of Figure 5) may permit the collector terminal (reference 500) to receive payment and disbursement information, as well as display it, undisclosed is the availability of such information to non-payor parties to the transaction. The disclosure of information within the system that is available on "external devices" is contained to participants within the system. Containing such information to participants within the system is necessary to maintain the integrity and security of the information, thereby teaching and suggesting away from inclusion of the ability for a third party — in this case the non-payor custodial parent — to monitor payment history of the payor. Polk simply does not teach or suggest the claimed invention.

C. Rejection of Dependent Claims 2, 4-5, 7, 9-10, 12, 14-21.

Claims 2, 4-5, 7, 9-10, 12, and 14-21 depend from claims 1, 6, and 11, and are rejected through a combination of Polk, U.S. Patent No. 5,946,669, in view of United States Code 42 U.S.C. § 666(b) and 15 U.S.C. § 1673(b), as well as an article titled "Single Parent Central. As demonstrated above, independent claims 1, 6, and 11 are nonobvious, and "[i]f

an independent claim is nonobvious under 35 U.S.C. § 103(a), then any claim depending therefrom is nonobvious." MPEP § 2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 494, 496 (CCPA 1970)). Therefore, because claims 2, 4-5, 7, 9-10, 12, and 14-21 depend from independent claims 1, 6, and 11, and it has been demonstrated that the independent claims are nonobvious, the dependent claims are also nonobvious. Applicant respectfully requests that the rejections be withdrawn, and that a Notice of Allowance be issued.

D. Additional Arguments as to Rejection of Dependent Claims 16-21.

Further, a *prima facie* case of obviousness has not been established against claims 16-21 for the additional reason that the limitations of these claims are not taught or suggested by the combination of Polk, 42 U.S.C. § 666(b), and 15 U.S.C. § 1673(b). Specifically, whereas these claims recite an "interface configured to allow the custodial parent to retrieve information related to financial support payments and histories", including "determining a status of said information" and "submitting questions regarding said information and receiving answers to said questions," the cited references clearly fail to teach or suggest these limitations.

The rejection asserts that these limitations are disclosed by Polk, as described in the rejection against the independent claims. (See Office Action 7/6/2007 at 5-6 ¶ 18 ("see rejection of independent claims – receiving/verifying saved information obvious based on teachings of Polk.") However, it is unclear where in the rejection against the independent claims or in the Polk reference that these limitations are taught or suggested. Polk teaches receiving payment and disbursement information about an *initiator* 110, and the information is stored in a database 522, 622. (Polk at c. 9; Figs. 5 & 6.) As defined by Polk, an "initiator" is an individual from whom the collector receives payment or payment information. (Polk 5:10-14 ("From an initiator, the collector receives payment and disbursement information..."); Polk 5:30-34 ("Initiator 110, which is preferably an employee seeking to initiate a permissive payment and disbursement or an employee subject to a mandatory payment and disbursement, transacts with collector 120, which is preferably an employer.)) Thus, where the reference describes receiving payment and disbursement information (Polk c. 9; Figs. 5 & 6), the reference is clearly disclosing that the individual (Initiator 110) who receives payment and disbursement information is the payor/employee of the system of Polk. Nowhere does the reference teach or suggest an interface for the ultimate payee (custodial parent) that "determines a status of said information" or "submits questions regarding said information and receives answers to sad questions" as claimed.

Further, as Examiner notes, the payment and disbursement information is made

available to external devices 550, 650. (Polk 9:53-10:15; Office Action 7/6/2007 at 9 ¶ 12.) However, Polk only describes these external devices 550, 650 as having functionality for updating the information by collectors. (Polk 9:57-64 ("Data contained in one or more of these databases 522 and 524 may be periodically updated from collectors 120 via ... external device 550 ...").) Nowhere does the reference teach or suggest an interface that "determines a status of said information" or "submits questions regarding said information and receives answers to said questions," much less that such interface is configured for the ultimate payee (custodial parent) as claimed. For these additional reasons, a *prima facie* case of obviousness has not been established against claims 16-21.

CONCLUSION

Applicant submits that all pending claims are in condition for allowance and respectfully requests that a Notice of Allowance be issued in this case. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at 612-607-7237. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees (including fees for any extension of time), to Deposit Account No. 50-1901 (Docket 060021-359701).

Respectfully submitted,



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Receipt is hereby acknowledged by the Commissioner of Patents & Trademarks of the following items in the Utility Patent application of

Inventor: John Nichols
Title: NETWORK-BASED CHILD SUPPORT FRAMEWORK
Serial No.: 09/560,665

- ☒ Supplemental Information Disclosure Statement
- ☒ Form 1449
- ☒ Copies of cited references
- ☒ Postcard

Atty/Secy: Hilberg/atp
Date: November 22, 2004
File No.: 60021-359701

OPPENHEIMER: 2281876 v01 11/17/2004

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Date: November 22, 2004
File No.: 60021-359701




OPPENHEIMER: 2281876 v01 11/17/2004

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF MAILING

I hereby certify that on November 22, 2004, which is the date I am signing this certificate, I am depositing this correspondence the United States Postal Service, first class mail, in an envelope addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450


Ann Pommier

Applicant: JOHN NICHOLS

Serial No.: 09/560,665

Filed: 04-27-2000

Title: NETWORK-BASED CHILD SUPPORT FRAMEWORK

Atty. Docket No.: 060021-359701

Examiner: OUELLETTE, JONATHAN P

Group Art Unit: 3629

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.56**

Sir:

Pursuant to 37 C.F.R. § 1.56, § 1.97 and § 1.98, Applicant brings the references listed on the attached Form PTO-1449 to the examiner's attention. 37 C.F.R. § 1.56. These references may be material to examination of the above-identified application. Please do not construe the filing of this information disclosure statement as a representation that applicant has made a search (37 C.F.R. § 1.97(g)), or as an admission that the information cited is, or is considered to be, material to patentability (37 C.F.R. § 1.97(h)), or that no other material information exists. We enclose copies of the cited documents within a box herewith.

This Information Disclosure Statement is being submitted:

- ☐ 1. Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application, or before the mailing date of a first Office action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under 37 CFR 1.114, and therefore, Applicant believes no fee is required;
- ☒ 2. After the period specified in paragraph (1) hereinabove of this section, but is being filed before the mailing date of either a final action under 37 CFR 1.113, or a notice of allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and is accompanied by one of the following:
- ☐ (a) A statement that either:
- (i) Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement;
- OR
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- OR
- ☒ (b) The fee of \$180 for filing of an Information Disclosure Statement as set forth in 37 C.F.R. 1.17(p).
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Applicant would appreciate the Examiner initialing and signing a copy of Form PTO-1449, transmitted herewith, indicating that the information has been considered and made of record herein.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-1901** referencing order number 060021-359701.

November 22, 2004



Christopher R. Hilberg, Reg. No. 48,740
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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete If Known	
				Application Number	09/560,665
				Filing Date	04-27-2000
				First Named Inventor	JOHN NICHOLS
				Art Unit	3629
Examiner Name	OUELLETTE, JONATHAN P				
Attorney Docket Number	060021-359701				
Sheet	1	of	1		

U.S. PATENT DOCUMENTS				
Examiner Initials*	Cite No. ¹	Document Number	Issue Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number -Kind Code ² (if known)		
		US-5,649,117	07-15-1997	Landry
		US-5,873,072	02-16-1999	Kight et al.
		US-5,946,669	08-31-1999	Polk
		US-5,956,700	09-21-1999	Landry
		US-6,052,671	04-18-2000	Crooks et al.
		US-6,078,907	06-20-2000	Lamm
		US-6,334,116	12-25-2001	Ganesan et al.

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)			
		WO 99/10823	03-1999	Citibank	

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

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FAX COVER LETTER

March 30, 2005

TO: Commissioner for Patents
COMPANY: U.S. Patent and Trademark Office
PHONE:
FAX: (703) 672-9306

FROM: *Brea K. Taken*
DIRECT DIAL: (612) 607-7260
EMAIL: BTaken@oppenheimer.com
RE: U.S. Patent Application No. 09/560,665
Title: SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR A NETWORK-
BASED CHILD SUPPORT FRAMEWORK
Group Art Unit 3629
Attorney Docket No.: 60021-359701

COMMENTS: I hereby certify that an Information Disclosure Statement is being facsimile transmitted to the U.S. Patent and Trademark Office on March 30, 2005.

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FAX COVER LETTER

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COMPANY: U.S. Patent and Trademark Office
PHONE:
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DIRECT DIAL: (612) 607-7260
EMAIL: BTaken@oppenheimer.com
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FAX COVER LETTER

March 30, 2005

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Applicant: DAVID WILKINS

Serial No.: 09/560,665

Filed: 04-27-2000

Title: SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR A NETWORK-BASED CHILD SUPPORT FRAMEWORK

Atty. Docket No.: 060021-359701

Examiner: Ouellette, Jonathan P.

Group Art Unit: 3629

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

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- ☒ 2. After the period specified in paragraph (1) hereinabove of this section, but is being filed before the mailing date of any of a final action under 37 CFR 1.113, or a notice of allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and is accompanied by one of the following:
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- OR
- (ii) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement;
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- ☒ (b) The fee of \$180 for filing of an Information Disclosure Statement as set forth in 37 C.F.R. 1.17(p).
- ☐ 3. After the period specified in paragraph (2) of this section, but is filed on or before payment of the issue fee and is accompanied by both:
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- AND
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March __, 2005



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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	09/560,665
				Filing Date	04-27-2000
				First Named Inventor	DAVID WILKINS
				Art Unit	3629
				Examiner Name	OUELLETTE, JONATHAN P
Sheet	1	of	1	Attorney Docket Number	060021-359701

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number		Issue Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number	-Kind Code ² (if known)		
		US-6,401,079		06-2002	Kahn et al.

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T ⁶
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Examiner Signature			Date Considered

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¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.